

ONTARIO.

COMMISSION TO INQUIRE INTO THE
RECENT DISTURBANCES OF AND
AMONG THE PRISONERS AT THE
ONTARIO REFORMATORY AT GUELPH.

REPORT

JAMES ERNEST MADDEN,
COMMISSIONER

1937

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Whereas under and by virtue of a commission dated the 18th day of January, 1937, appointing me, James Ernest Madden, Judge of the County Court of the County of Lennox and Addington, your commissioner to inquire into, investigate and report upon--

(a) all or any matters and circumstances leading or pertaining to the recent disturbances of and among the prisoners at the Ontario Reformatory at Guelph;

(b) the administration, management, efficiency and conduct of and at the said Ontario Reformatory, and the care and treatment, welfare, control and discipline of the prisoners therein;

(c) any other subjects or matters arising thereout or in the course of the inquiry or that may be referred to me, your said commissioner, from time to time by or on behalf of the Government of Ontario.

And Whereas on the 26th day of January, 1937, and subsequent days I did attend at the Administration Building of the Ontario Reformatory at Guelph, in the presence of J. G. Gillanders, Esq., K. C., Commissioner's Counsel and Ralph C. Bone, Esq., Assistant Counsel, and opened the said inquiry, heard evidence upon oath, and received documentary evidence produced and filed herein to fully inquire into, investigate and report upon the said general matters so directed to be inquired into and investigated, (after due notice inserted in the press of the place of holding said inquiry, and requesting all persons interested therein to attend and give evidence in respect to said matters, see Ex. 8.) Your said commissioner therefor now begs leave to report as follows:-

On Sunday, January 17th, 1937, while the inmates of the Ontario Reformatory at Guelph were passing from the

kitchen into the dining room for dinner about 12 o'clock noon, the Senior Custodial Officer in charge, Assistant Sergeant Maxwell, noticed several inmates enter the dining room with empty trays. He immediately stopped the line and inquired what was the matter. Several inmates replied that they "could not eat the rotten meat". The Sergeant ordered them back into the kitchen to get their dinners, which they refused to do, but went with about 25 other inmates into "K" corridor, which leads from the kitchen into the Tower. The inmates were ordered to "halt", but they refused to obey, and proceeded through to the Tower and up to B-3-9 dormitory, the farthest dormitory on the third floor of "B" block. As there were a large number of inmates in the dining room at dinner, Sergeant Maxwell did not immediately follow the inmates to the dormitory, but in a short time he went up and talked with them, advising them to see the Superintendent. They again complained about the bad meat, and refused to see the Superintendent, but insisted upon seeing Mr. Nixon (presumably The Honourable The Provincial Secretary). Sergeant Maxwell left these inmates in B-3-9 dormitory and went down stairs. At this time the only inmates on B-3 floor were those who had refused their dinner. The grille gate leading to B-3 floor was open, as well as the other grille gates leading to the various floors, as was usual at this hour. Sergeant Maxwell carried a number 61 key, with which he could have locked the grille gate on B-3 floor, and which would have segregated these inmates on B-3 floor, but he took no action in connection with the incident at the time, as he says he merely considered the matter as a breach of discipline, and did not believe there was "any danger of any rumpus". The Superintendent, Dr. Heaslip, following his usual daily practice to inspect the dinner, met Sergeant Maxwell on his return from B-3-9 dormitory, who merely reported that

some of the boys had refused their dinner, but he did not inform him the number who had refused their dinner, nor that they had left in a body, contrary to orders, and had gone to B-3-9 dormitory, and were still there and insisted upon seeing Mr. Nixon. Dr. Heaslip carefully inspected the dinner, which consisted of soup, boiled tongue, boiled potatoes, stewed carrots, raisin pie, tea and bread, all of which were of excellent quality, and he then went to his residence. The situation in B-3-9 dormitory was ignored, and the inmates from "B" block finished their dinner and returned as usual, and nothing further was done by Sergeant Maxwell for some time, as he told some guards he "did not know what to do", until about 1.30 p.m. or 2.00 p.m. when he decided to telephone Sergeant Maguire, the Senior Sergeant of the Reformatory, who resides on the Institution property. Sergeant Maguire says he came to the Reformatory about 2 p.m., and with Sergeant Maxwell and two guards went to B-3-9 dormitory, and found the door barricaded with beds. Sergeant Maguire ordered the door opened, and at first this order brought no response but upon his further demand, the breaking of a window in the door, and threatening to force their way in, the barricade was removed, and the officers entered and inquired the cause of this unusual conduct. After some hesitation, the inmates stated the food was rotten, their parcels were cut off, and other alleged complaints of various kinds were mentioned. The attitude of the inmates was described as hostile, and they were in a bad mood. Guard Edwards and several inmates state that Sergeant Maguire ordered the inmates to return to their dormitories, and he would take them to the Superintendent in the morning to present their complaints. An inmate asked if anyone would be punished in the meantime for the violation of the rules, and Sergeant Maguire replied that "no one would be punished". (Sergeant Maguire states he does

not remember this bargain). He selected two inmates standing in the corridor, whom he considered as ring leaders in this disturbance, also because they were out of the dormitory, and took them to the Tower to be locked up. Another inmate said "if they were to be locked up, they (meaning Sergeant Maguire) could lock him up too", and on the order of Sergeant Maguire, conveyed through Sergeant Maxwell, Guard Stuart locked up these three inmates in cells. Almost immediately after these inmates were locked up, about 200 inmates from "B" wing congregated in the corridor, at the Tower grille gate, and began shouting and yelling and finally threatened "to wreck the place" if the three inmates who had been locked up were not released. This riotous conduct continued for some time, while Sergeant Maguire endeavoured to quiet and disperse the mob, but without success. He then ordered Guard Stuart to release the three inmates, and they came into the Tower, but owing to the crowd at the grille gate, could not enter the dormitory. About 5.30 p.m. Dr. Heaslip was requested by telephone to come over, and after some attempted discussion in the dormitory, it was decided that he meet some 10 or 12 inmates in the Sergeants' office, and ascertain the cause of the disturbance. At this meeting no complaint of a general character was mentioned, but alleged individual grievances only were voiced, and while the discussion was proceeding, the mob of inmates in the corridor began breaking windows in "B" corridor, shouting, vulgarity, and blasphemy became rife, and mob psychology was in complete control of "B" wing. Almost immediately the inmates in "C" wing joined in the same procedure and misconduct, and throughout the whole reformatory the inmates were out of control. They began an orgy of wanton destruction throughout practically the greater part of the custodial portion of the institution and ^{to} its equipment, by breaking and fire. About 4 p.m. ~~the~~

the Superintendent telephoned C. F. Neelands, the Deputy Provincial Secretary, at Toronto, and informed him of the situation and again at 4.45 p.m. when he requested him to come to the institution, which he did, arriving about 7 p.m. Assistance was obtained from the institution guards, that were not on duty, the Provincial Police, Guelph Police Force, and Guelph Firemen, as well as other outside Police forces, and about 10.30 p.m. the situation was brought under control and the inmates were locked up. During this period of rioting fires were set in some parts of the auditorium, two libraries, school room and guards' quarters, causing extensive damage to the buildings, and its equipment, and blankets were also burned in some of the dormitories. Details of the damage by fire and breaking are shown in Exhibit 5, prepared by Inspector McJannet and estimated at \$22,000.00. By the breaking of several grilles on outside windows, inmates escaped into the yard and made their way onto the kitchen roof, and broke into the kitchen itself and others, 22 in number, escaped from the institution.

The causes leading up to the riot may be divided into two classes, remote and immediate. The evidence clearly establishes that there was no organized plan to riot, but there was undoubtedly a plan among 25 or 30 inmates to organize a hunger strike. Dr. Heaslip commenced his duties as Superintendent of this institution on September 15th, 1936, some months after the death of the late Superintendent Oliver, who had been ill during the greater portion of his term as Superintendent. Conditions, especially in respect to discipline and conduct of the inmates, were not all that could be desired, and he immediately instituted changes in accordance with the regulations, which were not popular with the inmates, and caused a feeling of resentment towards the officials of the institution. Some 35 or 40 inmates, first offenders over the age of 25 years, were transferred from Mimico to Guelph,

and their exaggerated comparison of conditions at Mimico and Guelph did not improve matters, as "all far-away fields look green", and caused discontent, especially as the newcomers were placed with the younger element. Recidivists allocated to the institution formed a large portion of the population of the institution, and any change in the old order of things was not welcomed by them. Inequality of sentences for practically similar offences given by different magistrates and judges, and long indeterminate sentences imposed upon repeaters, who had no chance of being paroled were, and still are, much discussed subjects, and caused hatred towards the institution, and contributed to a condition of unrest among the inmates.

Some guards, from age, infirmities or general disposition, are not the type desired to efficiently and thoroughly perform their duties, and co-operate to the fullest extent in any matters that may be required to be changed and improved.

Two inmates who complained about the food a couple of weeks prior to January 17th, 1937, were transferred to another institution, and this seemed to be an easy course to follow to get away from Guelph.

Complaints about food were the chief cause stated by inmates as the cause of the riot, but upon analysis of all the evidence on this point, it is interesting to note that there is very little continuity or agreement about the specific nature of the complaints. Furthermore, the descriptions of the condition of the food complained about are so varied, extravagant and unreasonable that little weight can be attached to the allegations made. They went the full limit of possibilities, from rotten condition, dirt, worms, and other foreign objects cooked in the food to insufficient servings. It is true however that on September 15th last conditions in the kitchen were

probably not all that could be desired, and needed to be improved both in respect to the cleanliness of the kitchen itself, and in the inmate staff as well. The quality of the food, however, has always been good, and especially the meat, which is butchered in the institution abattoir and thoroughly inspected. Meat used in the institution is the same quality as that supplied to Mimico and Burwash Reformatories, and to many of the mental hospitals of the Province, and from which no complaints have been received. As is well known, food is a matter about which complaints are easy to be made, and tastes so widely differ that often the food is made the cause of complaint, when in fact it is the method of cooking. It is impossible apparently to cook food in large quantities and retain the dainty delicious flavour of home cooking; this condition prevails in large hotels and restaurants, as well as in public institutions, and the inmates of this reformatory should not expect too much. They are now receiving good wholesome food, purchased in a competitive market, and it is well prepared and cooked and served in sufficient quantities. This is proven by the fact that 80% of the inmates have gained in weight since coming to the institution, and the amount of food remaining on their trays indicates that the quantity of the servings is more than sufficient for their requirements. From the evidence of the Superintendent, the chef, and several guards, as well as of many inmates that desire to be fair and reasonable, there are no well founded complaints in respect to food, and the conditions in the kitchen are much improved since the new chef was engaged. When Dr. Heaslip became Superintendent, he discovered that trafficking and stealing of kitchen supplies were rife among the inmates. The supplies were not going outside the institution, but were disposed of among the inmates by the inmate kitchen staff for night lunches, etc., and kitchen staff inmates obtained a

considerable revenue by this means, selling to the other inmates. This was stopped by the kitchen staff being re-organized completely, and a new chef engaged. This change has not been welcomed, and resentment against food has been used, as an excuse. It may be that complaints as to the lack of cleanliness antedate September 15th last, and if so, that condition has been remedied with a sufficient supply of good wholesome food as a basis, good equipment for cooking and a competent chef in charge. Well-cooked, substantial meals should result, and I find as a fact that the inmates had no cause of complaint in respect to food either as to quality or quantity, and that food was not a cause of the riot. An organized plan to refuse dinner on Sunday, January 17th, was made as early as Friday, the 15th, without any knowledge of the menu to be served. An examination of the menus for many days preceding and after January 17th, as well as for the dinner refused, discloses the fact that good substantial meals were supplied with reasonable variety to satisfy any requirement of prison fare. See Exhibit 11. This finding is further supported by the fact that when meeting the Superintendent in the Sergeants' office on January 17th, unfair trials, punishments, treatments by guards, and requests for transfers to another institution, were some of the complaints mentioned as causes for the hunger strike as well as some complaints concerning food.

Linked with the complaints respecting food, the stopping of parcels (not Christmas parcels) was consistently urged as a cause of the riot. A privilege had been allowed for many years within the institution permitting inmates to bring in, and have sent in, parcels containing shaving soap, toilet preparations of all kinds, razor blades, tooth brushes, and paste, chocolate bars and various other articles. Many evils resulted from this practice, as such articles formed the basis of trafficking and gambling within the institution,

and also differentiation among the inmates, some being able to bring in a considerable quantity of such articles and others less fortunate not being able to do so, and the less fortunate procured their requirements by any means in order to be supplied. In November, due notice, Exhibit 24, was given to relatives and friends of inmates that no more parcels would be delivered to inmates from the outside, and on or about December 13th, this regulation became effective. The institution supplied camphorated chalk, tooth powder in the dormitories, individual tooth brushes with bone handles, Colgate's shaving soap, shaving brush and mug for each wash room, white castile soap made by the Palmolive Co. for washing, razor blades to each inmate, flints for lighters, and lighters to those who did not have their own cheap type of lighter. This change was strongly objected to, and many complaints against this regulation were made by inmates that testified. Their objection had no merit in it, and all finally agreed that if they were regularly supplied with a sufficient quantity of these articles, they should be satisfied. The introduction of this regulation was an improvement and worked no hardship, but rather a benefit. The change however was resented by certain inmates, especially the repeaters, who had looked upon this unauthorized privilege as a right, and its discontinuance now deprived them of material for trafficking and gambling. There is no doubt sundry contraband articles were brought into the institution in this way. Those who had money also purchased articles through the Salvation Army officers, on requisitions approved by the Superintendent, (See Exhibit 22) but this practice also was discontinued as a privilege and contrary to the regulations.

There is no evidence to indicate that any conspiracy to riot was planned, although it is admitted that an organized plan was agreed upon among some 25 or 30 inmates to go on a hunger strike. Their plan was carried into effect by refusing to take food at noon on Sunday, January 17th, and then con-

gregating in B-3-9 dormitory, but the situation got out of control, resulting in the extensive damage, owing to the indecision and vacillating attitude of Sergeant Maxwell and his neglect of duty in failing to report to the Superintendent strictly and promptly every neglect of duty, impropriety and misconduct or violation of the rules on the part of these inmates as required by Rule 53 of the Regulations governing the Institution, until Sergeant Maguire arrived and took charge, and then of Sergeant Maguire until the Superintendent, Dr. Heaslip, came about 5.30 p.m. at which time the situation had become hopelessly out of control. To summarize;

Firstly. When the 25 or 30 inmates left the dining room and went to B-3-9 dormitory this concerted action constituted a serious and flagrant breach of the rules, and violation of orders, on the part of this group of inmates. As the Superintendent was at that time in the institution, it was the duty of Sergeant Maxwell to report fully the situation and the facts to the Superintendent.

Secondly. Sergeant Maxwell should have locked the grille gates leading to B-3 floor in order to segregate the 25 or 30 inmates on that floor.

Thirdly. He also allowed much valuable time to elapse before calling assistance although he admitted to some guards that he "did not know what to do".

Sergeant Maguire should have immediately reported the matter to the Superintendent when he was told of the serious situation, and as so many inmates were involved. After discussing the situation with these inmates in the dormitory, he should have made no bargain or arrangement with them as to punishment, which I find as a fact he did make, notwithstanding his failure to remember the incident. The barricading of the door in B-3-9 dormitory was a serious matter, and refusing to remove the barricade when ordered to do so, further intensified

the seriousness of their misconduct, so that he should have reported the situation to the Superintendent immediately, and left him to deal with it.

Having given his word that no punishment would be inflicted, he immediately broke his word and took two inmates to the Tower to be locked up, merely on the pretext that they were out of their dormitories.

He permitted an inmate to dictate an order to be locked up, and that order was carried out.

On the demand of the mob of inmates in "B" corridor, he ordered the release of the three inmates previously locked up.

There seems to be only one answer to or explanation for Sergeant Maguire's conduct and that is, he did not know what he was doing.

The complete failure on the part of these two officials, to appreciate the serious situation that had arisen owing to the concerted and organized plan of these striking inmates, and to effectively and decisively deal with it, gave the inmates every reason to believe that the officials were unable to cope with the situation. The inmates were ready to take advantage of the situation thus created. Then by their power of leadership, and also by intimidation, a few played upon the feelings and fears of others, and thus, easily succeeded in starting the riot. This dismal failure and unanswerable neglect of duty was undoubtedly the immediate cause of the riot.

I, therefore, without any hesitation, respectfully recommend that Sergeant Maxwell and Sergeant Maguire be retired immediately from the staff of the Ontario Reformatory at Guelph.

I further recommend that the proper authorities carefully consider the advisability of instituting the proper and necessary criminal proceedings against the following inmates;

(1) The 22 inmates who are alleged to have escaped from the Ontario Reformatory at Guelph on January 17th, 1937, as set forth in Exhibit 21;

(2) Inmates nos. 47384, 48131 and 48707 on the charge of arson on January 17th, 1937.

(3) Inmates nos. 47250, 47764, 48348, 48542, 47696, 47780, 48276, 48481, and 48107 under some one or more of the following Sections 87,88,97, and 510 sub-section E of the Criminal Code.

In considering the matters referred to in clause (b) of the Commission, it might be well to define "a reformatory", which is an institution intended for the reception, detention and reformation of persons that have already begun a career of criminality, and have been convicted. The problem to solve is, what procedure in this institution, or outside of it, can be followed to achieve these objectives, which should result at the end of his sentence in turning out a better-adjusted citizen. Some changes in the present system are very necessary to at least attempt to obtain better results.

Dormitories

At the present time the dormitory system at this institution consists of 18 dormitories, 9 in each wing, 3 on each floor, with dimensions of approximately 52 feet by 27 feet, exclusive of wash room and bay window. Each dormitory contains from 30 to 36 single beds (although originally constructed for 22 beds) arranged along the walls, and in the centre, in such a manner that there is only a narrow passage-way between the rows of beds. (See Ex.30) There is no partition separating beds. Near each end is a door leading into the corridor, the upper half with glass windows, and on each side of each door is a small window. The inmates occupy the dormitory from approximately 6 p.m. until 7 a.m. every night, Saturday afternoons, Sundays and holidays. From 6 p.m. until lights out at 9 p.m. they may occupy their time as they wish. There is one guard supposed to patrol the corridor to

supervise the three dormitories on each floor, and his opportunity to observe is limited to a view through the window, and from any one window it is impossible to command a view of the whole dormitory without actually entering it. At one end of each dormitory is the wash room, separated by a wooden partition up to a height of about 4 feet, and the remainder glass windows. It contains wash basins, toilets, urinals and shower baths, arranged around a rectangular space in the centre. It is also impossible to obtain a complete and proper view of a wash room without actually entering it, and when a guard is in a dormitory, or wash room, the remaining portions of the floor are not supervised. It will be easily seen how little supervision of approximately one hundred inmates is provided for, and a disturbance in one wash room or dormitory, or even the engaging of the guard in conversation in the corridor, or elsewhere, designedly arranged or otherwise, leaves the floor entirely to the inmates to do as they please. Guards and inmates have agreed as to the way time is spent in the dormitories, immoral conduct and **gambling** being carried on at every opportune time. Romancing on the commission of crime is one of the chief topics of conversation. The largest and strongest in the dormitory are leaders, and their word is law. There is no place provided for rest except to sit or lie on one's bed, and if that bed be located where it is not easily observed, it may be the gathering spot for a group who do not wish their actions observed, and thus the occupant of the bed is compelled to find some other place for rest, which may force him among others with whom he does not wish to associate. If he remains by himself he may be regarded with suspicion, and his lot is made less happy by the other inmates. There is very little, if any, opportunity to study, to read or to reflect, on account of the almost constant noise, talking, movement and

other disturbing elements continuing between 6 p.m. and 9 p.m. The net result is, conditions in the dormitories are anything but reformative. They are the reverse, "a club" and "A school of crime". A change in construction has been planned to provide one dormitory with a wash room at each end, on each floor, for approximately one hundred inmates, utilizing the entire floor space between the two outside walls, and thus eliminating the corridor and one wash room. Two guards at least would be stationed within the dormitory when occupied. Undoubtedly this change would be some improvement in respect to better supervision, and tend to lessen, if not eliminate, some of the evil practices now carried on, and also to improve the present condition of the ventilation. This would not however effect the improvement so urgently needed to remedy other evils and give opportunity for reformation. The cell system, one man to a cell, is the only change that will prove worthwhile and reformative. The good inmates would welcome it, the bad ones dislike it, as no opportunity is given to carry on their gangland methods and practices. It would provide the opportunity for study, reading, reflection and privacy required to make reformation possible. Reformation is like education, it cannot be forced upon the inmate, it must come from within himself; and the opportunity must be given to allow that tendency to develop, in order to produce the desired results. The vexed question of classification of inmates would be largely eliminated by the cell system. More accommodation is required to overcome the overcrowded condition of the Institution, and cell blocks should be erected to remedy this condition. The Deputy Minister states the cost of cell blocks is very expensive, and they may be, if they are constructed and equipped on the same elaborate scale as the landscaping of the prison grounds. A cell, say 12 feet by 6 feet, and equipped with a small bed, mattress, sheets, blankets, table, chair, shelf for books and personal effects, toilet and wash basin should not cost from \$700.00

to \$2000.00 as stated by the Deputy Minister, when they are built in blocks, and when a large portion of the labour required is supplied by inmates. The evidence is conclusive that a change from the dormitory system to the cell system is most desirable, from every standpoint, and is long overdue. It is respectfully recommended that this improvement be carefully considered, and undertaken as soon as practicable.

Education.

At the present time a full-time teacher, with an Interim High School Teacher's certificate and a Physical Training Specialist's certificate, is employed. There is accommodation for a class of about fifty inmates at one time. With the assistance of three inmate-instructors, classes are held each afternoon from 12.30 p.m. to 4.30 p.m. in public school subjects, including reading, writing, arithmetic, grammar, composition, Canadian History, geography, civics and hygiene. Some progress has been made in the organization of vocational evening classes, which are optional with the inmates, and include such subjects as shorthand, typewriting, book-keeping, tailoring, electricity, automobile mechanics, mechanical drawing, dry cleaning and laundry work. These classes are held for one or two hour periods several times a week, and instruction is given by guards, industrial employees, or inmates with special qualifications.

Attendance at all classes is voluntary, although some effort is made to select and interest inmates, especially the illiterates and younger inmates that have not passed the entrance examination.

The educational problem should receive greater attention, and all illiterates and near-illiterates should be compelled to attend classes, likewise the younger inmates who have not passed their entrance examination.

It would be a decided improvement if a more experienced teacher, preferably with a public school certificate, and an additional paid teacher, also with public

school qualifications, were on the staff to organize and teach the elementary public school subjects, (especially to the illiterates and near-illiterates) as well as the usual public school subjects required for the entrance class. It is estimated that there are about 300 inmates at present that have not passed their entrance examination.

When an inmate enters the institution, special consideration and attention should be given by the Superintendent and teachers to ascertain what education he has, and if he be young and has not passed the entrance examination, he should be compelled to attend school. No other interests or occupation in the institution should interfere with that programme being strictly followed. This would be consistent with the obligation requiring parents to send a child to school until he reaches the age of sixteen years. Should an inmate refuse to attend, or if he does attend and refuses to reasonably apply himself, all privileges that might be granted and enjoyed by him, should be discontinued, and if necessary he should be compelled to perform the most disagreeable and hardest kind of work the reformatory can provide, and if further punishment is necessary he should be strapped. It should be clearly pointed out to him however, that he is compelled to perform this work, or else submit to punishment, purely and simply because he refuses to respond to the educational instruction he requires. School should be held in the forenoon as well as in the afternoon, with a view to devoting the greatest possible time to academic instruction.

Vocational classes in the evening, for inmates that have passed their entrance, and for any older inmates that desire to have the theory of some practical trade, should be further developed. An inmate that commences to attend a class should be compelled to continue throughout the term, unless there are some special circumstances to excuse him.

While hard work in the "bull gang" may be desirable for the proper custody of certain inmates, on account of present arrangements, and to curb mischievous conduct, education should still be the predominating factor. There is evidence that an inmate, on account of his attendance at school, is compelled to work in the "bull gang" for the portion of the day when he is not at school, and that he is not allowed to work at any trade. This should be changed, as he should suffer no penalty for attending school for a part of the day. A system of "school all day" would remedy this injustice.

It may be difficult to provide an educational programme to meet all requirements, owing to the short period many of the inmates serve at this institution, and by reason of the various periods of the year at which they enter and are released, but careful study and organization should overcome many of the difficulties now existent, and make this branch of reformation very effective. Educational influences should have the tendency to expand and develop the inmate along better lines of thought, and should contribute greatly to orienting him to a more sensible method of behaviour as well as converting his energy into more constructive channels. After all, the general purpose of modern education is to teach the individual how to take his place in society.

Classification.

The cell system would overcome many of the difficulties of classification that present themselves in a dormitory system. Pending the structural alterations above recommended, the perverts, the agitators and the leaders should all be placed in cells. The inmates doing clerical work, and now occupying cells, should be removed to dormitories, as they are not entitled to any special consideration, and their intelligence and influence might prove beneficial to the other inmates in the dormitory. The older and the younger should be separated as far as possible, those up to

the age of 21 years being kept apart from those between 21 and 25 years, repeaters, from first offenders, and from those who, by their behaviour, attitude and ability, do not require further institutional treatment. I realize that while such a system would be an improvement, yet it would be difficult to put it into actual practice in such an overcrowded institution with the dormitory system in operation. One wing is now supposed to contain repeaters, and the other first offenders, but beyond that there is little opportunity to attempt to classify the occupants of the dormitories, as new inmates must be placed wherever there are vacant beds.

Recommendations by the Deputy Provincial Secretary were formerly made on the basis of susceptibility to reformation, in order to determine to which institution a prisoner might be sent. This was changed however, and age was made the determining factor, and generally speaking, those under 21 years, and first offenders over 21 years and up to 25 years, were sent to this institution. According to his evidence (page 13) there are now two classes sent to this institution, (1) Those up to and including 20 years of age, irrespective of previous record, (2) First offenders of any age over 20 years.

The records produced and filed by the Superintendent, (Exhibit 6) disclose, that on January 1, 1937, there were 685 inmates in the institution, 323 with one or more previous convictions, of which number 203 were in custody one or more times, and 335 were in custody for the first time. The ages of the inmates ranged from 15 years to 78 years. 395 were under the age of 21 years, 155 were between the ages of 21 years and 26 years, and the remaining 135 were from 26 years up to 78 years of age. 150 were serving definite sentences from 3 months to 24 months, 534 were serving definite and indeterminate sentences ranging from a term of 2 months plus 6 months to 48 months plus 24 months.

The offences cover almost the entire calendar of the criminal code for which a sentence up to two years less one day may be imposed.

Any attempt to classify in any way this heterogeneous mass of offenders is clearly impossible, as far as dormitories are concerned.

As to the work to which an inmate may be assigned, some comment may be made and changes suggested. Upon entering, he is interviewed, and particulars of his past employment or occupation are obtained. As a matter of practice, however, if his sentence is for a long term, he is assigned to the bull gang or some other outside gang where safe custody is the dominant factor, and he has little or no opportunity of being placed in one of the industries. This practice is entirely wrong and should be discontinued. A close study should be made and careful consideration should be given to the education, training and ability of each inmate upon entering, or during the very early period of his custody, with a view to allocating him to whatever work or occupation may be most desirable for him, having in mind his own interest, his reformation, and his training to follow some useful and gainful occupation upon his release. The bull-gang should be composed of only incorrigibles and those who will not reasonably apply themselves to educational or industrial training. It might also be used as a means of punishment for violation of rules.

Parole.

In connection with the matter of parole, a number of complaints were voiced by inmates, who felt that this matter needed some radical change, in order to avoid the existing dissatisfaction, confusion and the misunderstanding that is resulting from the manner in which paroles are dealt with.

Quite a number of inmates stated, when a definite and indeterminate sentence was imposed upon them, the Court

imposing such sentence, informed them that they would no doubt be released after they had served the definite term of their sentence. The statement made was to the effect "it is up to yourselves how much of this indeterminate term you will serve, and it depends upon your conduct and attitude during your definite term, etc."

When the inmate with an indeterminate term has served one half of his definite term he is automatically brought before the Parole Board at its next meeting. The practice of the Board appears to be, to read over the brief of the inmate which contains not only the history of the crime and the report of the convicting Judge or Magistrate, and his conduct while in the institution, but often contains information from various other sources such as relatives, friends, or his employer. The inmate is then brought in and questioned by members of the Board, and is given an opportunity to make any statement he desires, and then he retires. The Board immediately considers the question as to whether parole shall be granted or not, and in a few days, through the institution, the inmate is informed of the Board's decision. If parole has been granted there is no complaint. If parole has been refused, the inmate receives the bare information "No action", and no reasons are given, because the Board does not divulge its reasons for refusing parole. This procedure immediately causes a change in the attitude of the inmate, for he feels, without the reasons being made known to him, he is serving a second sentence for the same offence, as he was led to believe when sentenced that good conduct would earn him parole at the end of his definite term. The inmate's dissatisfaction and resentment are shown by his sulky manner. His conduct changes, often resulting in attempts to escape and in violation of rules, for which he appears before the Superintendent.

The Board is composed at present of 5 members, viz.

a Juvenile Judge, three lawyers and an employer of labour. It meets once a month at this institution, and disposes of as many as 60 to 80 cases in a day. Occasionally only two or more members constitute the Board at its meeting. There does not seem to be any recognized principle which the Board follows to determine whether or not an inmate is entitled to parole. The evidence of one of the members on the question of parole (see page 1753) stated practically many of the matters the Court would take into consideration to determine what sentence should be imposed (see page 1754). Good conduct while serving his definite term is one of the determining factors considered, but it is not by any means the governing factor. Some inmates who are first offenders are refused parole, and some others with several convictions are granted parole, and both classes with good conduct report. What principle does the Board apply to conclude that the whole of the indeterminate sentence should be served in prison? Without any definite principle being followed, it would appear that the Board is simply acting as an Appeal Board revising the sentence. The Court imposing the sentence decided that the prisoner should serve a portion of his sentence, that is the definite term, in prison, and the remaining portion, the indeterminate term, outside the prison under supervision, if the prisoner's conduct and attitude since sentence was imposed showed further institutional treatment unnecessary. Should not that sentence be served as intended and as imposed? If the sentence is unjust, the Department of the Attorney-General will undoubtedly launch an appeal, but until a sentence is lawfully altered, it should not be interfered with, unless the prisoner's conduct and attitude, while serving his definite term, indicate that some further time in prison, in addition to his definite term, is necessary to adjust and control him, so that he will be a safer risk to the public, and can take his proper place in society. What time is devoted to each case in order to enable

proper investigation and consideration to be made, when a list composed of from 60 to 80 cases is disposed of in one day? If two members can perform the duties of the Board, why not one man? I would respectfully recommend that the Board of Parole be abolished, as it seems to serve no useful purpose as a Board, and that in its stead one person from the legal profession, who has had criminal law practice experience, and who might be eligible for elevation to the Bench, be appointed to devote his entire time to the matter of parole. This change would enable greater consideration to be given to each case, and should produce better results, not only to determine whether parole should be granted or not, but also to afford a better opportunity to supervise those to whom parole has been granted. There has been no good reason advanced why the matter of parole should not be heard the second time, after once being refused, on the recommendation of the Superintendent, for no good purpose can be served nor can the expense be justified in keeping in prison one who does not require further institutional treatment. As a further suggestion it might be considered advisable to request the Department of the Attorney-General to forward a notice to all trial Judges and Magistrates in the Province, to the effect, that great care should be exercised in imposing indeterminate sentences as part of a sentence upon prisoners with criminal records, as the indeterminate sentence automatically entitles the prisoner to come up for the determination of parole, when one-half the period of his definite term has been served. The granting of parole would result in the prisoner being released from prison, but would require him to report from time to time until the expiration of his indeterminate term, and the refusal of parole would result in the full term of his indeterminate sentence being served in prison.

Safe Custody.

Safe custody should be the first essential of every place of detention for crime.

At present there is nothing to prevent inmates

escaping, when outside the buildings.

A high woven-wire fence, somewhat similar in construction to the screens on the windows of the custodial buildings, with a barbed top overhanging inside, should encircle all the central grounds. The outside pickets and guards should be equipped with suitable firearms, (shotguns and revolvers), but no inside guard should be armed, unless he is stationed in some secure place like the gallery overlooking the dining room, where it is impossible for inmates to disarm him.

A reasonable supply of additional firearms and gas-bombs should be stored in some safe place within the custodial buildings, readily available for use in cases of emergency.

A select number of custodial officers should be given some regular and thorough training in the use of firearms.

Suitable flood-lights should be installed to properly and sufficiently light up the exterior of the custodial buildings and the immediate adjacent grounds, and these should be controlled from the buildings.

Evidence has been given that many inmates have escaped in the past three years--in 1934--11, in 1935--26, and in 1936--17.^(See Ex. 29) This is a serious condition, even though nearly all have been recaptured. Several inmates stated "they could go almost any time", and no doubt the officials agree with that statement. The anxiety caused by the lack of proper equipment to prevent inmates escaping, prompts the officials to place inmates in outside gangs where they are constantly under strict observation, rather than to permit them to work in some of the industries, and this results in a decided disadvantage to the inmate.

The reformatory grounds look too pretty, almost a "show place". No institution for detention for crime should be attractive, neither to the public nor to the inmates. The effect is bad. Material beauty of grounds is not reformatory, and certainly tends to make the place

look inviting. It should be the reverse, rigidly plain, to inculcate a wholesome fear on the part of both the public and the inmates.

Staff.

The present custodial staff of the institution consists of 69 guards, 3 sergeants and a superintendent, and the number of inmates varies from 600 to 900. Considering the absences of the staff on holidays and sick leave, this staff is inadequate to properly and efficiently control and supervise all the various departments of the institution. On Sundays and holidays the custodial staff consists of very few, as for example on January 17th, the day of the riot, there were only 17 officers required to be on duty, and of this number five were on outside duties. It has been suggested by witnesses that the custodial staff be increased by twenty members, for day and night duty. This seems very reasonable and necessary, and it is recommended that the custodial staff be increased by 20 members as soon as practicable. An assistant chef should be engaged to assist with the cooking and to be in charge when the chef is not on duty.

Many changes have been suggested, in respect to the present staff, by the Senior Sergeant. There has been no opportunity afforded to form any opinion as to the capabilities and competency of the guards named, but there is no doubt from general appearances that these changes are necessary, and should be put into effect at the earliest possible date.

Trials.

Some criticism has been voiced in respect to the conduct of trials, and to the punishment of inmates for breaches of discipline, also for violation of rules of the institution. These complaints are of a personal, rather than of a general, character. There is no merit in them, and therefore there is no reason for suggesting any substantial change.

The Superintendent stated the practice and procedure in trials of inmates is as follows:

When a charge is made for an offence by a guard or officer, it must be submitted in writing, and when the inmate appears for trial before the Superintendent the following day, it is read to him, and the complaining guard or officer states the facts relating thereto. The inmate is then requested to plead to the charge, and if he does not admit the charge, he is then permitted to question the officer in respect to it, and make any statement he may desire to refute it. He is not, however, permitted to call other inmates as witnesses to corroborate his statements. The Superintendent then determines the innocence or guilt of the accused, and does not without reservation accept the statement of the complaining officer on all occasions. The usual disposition of charges, unless for a very serious offence, is that the inmate is allowed to go with a warning. Being brought for the second time before the Superintendent, and being found guilty of that offence, usually results in the inmate losing provisionally some remission of time earned, which he may have restored to him by a period of good conduct. Upon a third or subsequent violation being charged, and if the inmate is found guilty, and if the regulations permit it, a more severe sentence is imposed, which might be corporal punishment, but corporal punishment is not imposed unless the Superintendent is certain that such form of punishment will result beneficially to the inmate, and as a matter of practice it has been found to have a splendid effect.

Without recommending any "hard and fast" procedure that should be followed in the disposing of offences within the institution and punishments therefor, it would seem that it is most important to deal with such matters with care, in order that the inmate charged may go away feeling that he has been treated fairly and justly, and that any punish-

ment imposed is entirely in respect to the offence for which he has been charged and found guilty, and completely apart from his past conduct. This attitude should tend to strengthen a feeling of justice and fair play throughout the institution. In this connection, where an inmate is charged with a serious offence, and corporal punishment is imposed if guilt is proven, it might be considered advisable to permit the inmate charged to call other inmates as witnesses, if he so desire.

Rules and Regulations.

As to rules and regulations respecting inmates, some evidence has been given in the nature of complaints that no printed copies of these are handed to the inmate upon entry, nor are they posted in the corridors, dormitories or other conspicuous places in the institution. The Superintendent stated that when an inmate entered the institution and was being interviewed by him, the rules and regulations were read and carefully explained to him, which appears to be good practice. However, it would seem that this is not sufficient notice, and it is recommended that printed copies of the rules and regulations, expressed in very plain and simple language should be handed to the inmate upon entry, and also posted in the dormitories and other conspicuous places, for his information and guidance.

Chaplains.

At the present time there is great need in the institution for a full-time Protestant and a Roman Catholic chaplain, whose personality adapts them for institutional work. They could assist and encourage the inmates by personal contact, by advise, and by discussion of their personal problems. They should be available for the inmates at all reasonable and convenient times. Their assistance should be welcomed in the improvement and development of the educational problems of the institution, and also by the Superintendent in many matters pertaining to general administration. The advisability of the appointment of chaplains should be carefully considered, and appointments

should be made if suitable and satisfactory appointees can be secured.

Assistant Superintendent.

Having in mind the size of this institution, the number of inmates varying from 600 to 900, the staff of officials and guards, the number of industries and other activities carried on, and the duties which at present devolve upon the Superintendent, it is recommended that an assistant Superintendent be appointed, to assist the Superintendent and relieve him of some of the many responsibilities of purely routine character that he is called upon to assume. The Superintendent could devote more time to the personal consideration of those matters particularly pertaining to the inmates and their welfare, and also in general to the better administration of the institution. It would also be advisable and beneficial to periodically hold meetings of the Superintendent, Assistant Superintendent, officers and guards, for the purpose of instruction, and also for the discussion of administrative matters, particularly in respect to the welfare of the inmates. A general discussion with the guards from time to time in matters of instruction, deportment, and conduct, and concerning their duties generally, should also be arranged periodically.

Recreation.

During the winter months, prior to the riot, some suitable entertainment for the inmates had been provided from time to time, and these should be continued. It might be suggested that loud speakers should be installed in the dormitories and cell blocks, and that the radio programmes be chosen and controlled by the officials. Seasonable games or sports, suitable for the institution, and under strict supervision, should be encouraged and organized,--such as baseball, softball, basketball, and other similar sports, but not those requiring strenuous bodily contact. To increase the interest in participation in such

games, a competitive schedule within the institution and with certain outside clubs, might well be arranged and carried out. During the winter months such inside sports as circumstances permit, should be useful and instructive. The choosing of participants in all sports indulged in, should be done by the physical instructor, or by a committee of officials formed under his direction. This sports programme is suggested in addition to the physical training now carried on as part of the day's routine.

Visiting.

The visiting privileges now extended to those desiring to see inmates are under existing conditions too broad, and should be limited. At present, visiting is permitted in the Tower, and the visitors and inmates are seated upon benches which are often allowed to become crowded, owing to the limited space and to the large number of visitors. Under such conditions, and with a small staff, it is difficult to have proper supervision, with the result that a considerable number of contraband articles are smuggled in to the the inmates. Until facilities and the supervision can be increased, the time allowed for a visit, and the number of visitors, should be curtailed, so as to prevent overcrowding, and so permit proper supervision. The number of visitors varies according to the season, and the situation should be carefully and tactfully dealt with. It has been customary for the public, sometimes in great numbers, to have access to the institutional grounds at all hours of the day and night by motor cars or otherwise. This practice should be discontinued, and it has been suggested that the eight entrances to the grounds be closed at sunset. This limitation seems reasonable and should be put into effect immediately.

There should also be some reasonable limit placed upon the number of visitors applying for passes, to be shown through the custodial buildings and industries, as the

evidence discloses that as many as three hundred visitors have been known to apply in one day. This privilege is being abused, and is most disturbing to the staff and to the inmates, and moreover serves no useful purpose. The only visitors of this class that should be admitted are those interested in institutional work, and approved by the Superintendent or his deputy.

It has been clearly established by the evidence, that a committee of inmates is of no advantage, and creates a bad class-consciousness. As a matter of principle, this innovation should be abolished.

Equipment.

At present there are provided for inmates employed in certain outside gangs no facilities to wash, from the time they leave their dormitories before breakfast, until they return to their dormitories after supper. This condition should be remedied without delay, and all inmates doing outside work should be compelled to wash before entering the dining room for dinner and for supper.

Many complaints were made by inmates that it was often difficult to obtain a change of blankets, and often blankets were used for a period of from several months to a year without a change. If such a condition does exist, it is solely the fault of the inmate not requesting a change of blankets, even though he had to make request a second time. As there is now no systematic change made, it is very desirable that a regular system be established, whereby all blankets in each dormitory are turned in at reasonable intervals, and exchanged for a clean supply. As mattresses are not supplied for beds, each inmate is issued five blankets, which he must use both as mattress and as covering while sleeping. It is recommended that each bed be supplied with some suitable form of mattress. Sheets are not supplied as part of the bed equipment. It is recommended that suitable sheets be provided for each bed, and that they be turned in each week for washing.

Pyjamas are not issued at present, neither is any other type of sleeping garment. As an issue of pyjamas is almost ready for delivery, no recommendation is necessary.

Heavy woollen underwear for winter is provided for all inmates. No under-garments are issued for summer use. Some inmates state they are unable to wear the heavy woollen garments issued, owing to an alleged irritation of the skin. It is recommended that suitable summer underwear be issued for summer, and also for those inmates who object to the use of the heavy woollen garment during the other seasons.

Ventilation.

Some complaints have been made in respect to the control of ventilation in the dormitories. The question of whether windows should or should not be open is decided by the principle "Might, not Right" by the inmates, with the result that the ventilation is bad. With upwards of 30 men in each dormitory, and with only one mechanical vent, it is too much to expect that such an arrangement would efficiently meet the requirements of proper ventilation. While inmates are using the dormitory, it is desirable that guards on duty at night at different intervals, should supervise and control the ventilation of the dormitories.

Superintendent.

The Superintendent, Dr. Heaslip, is a very desirable type of man for the head of this institution. His military service, his profession, his experience gained as medical officer at Burwash Reformatory from April 1933 to September 1935, and later at Mimico Reformatory, and his study of prison administration in England for several months last year well qualifies him for the position of Superintendent of the Ontario Reformatory at Guelph. Since assuming his duties on September 15th, 1936, he has shown his ability in many ways, by changes and reforms he has already put into effect, and by others he is developing. In order to achieve the

best results, he should have well-defined powers proportionate to his responsibilities, and should have a clear understanding as to what they are. Control must naturally be centred in the Department of the Provincial Secretary, but, subject to inspection and also to the rules and regulations governing the institution, he should be given a very free hand to continue to improve and develop existing conditions, as necessary. He is a good disciplinarian, fair but firm. Being considered such, and changing the old lax order of things, will not increase his popularity among the inmates, but probably that is one of the best recommendations that a Superintendent of a Reformatory can desire.

Mr. C. F. Neelands, the Deputy Minister, has been constantly connected with reformatory work since September, 1914. He was Superintendent at this Reformatory for approximately $10\frac{1}{2}$ years prior to September, 1931, when he became Deputy Minister of Prisons and Reformatories for the Province of Ontario.

The conditions at this Reformatory since 1925 are described by Sergeant Maguire in his evidence on pages 2466-2570, and may be summarized as follows:-

The dormitories were constructed to contain 22 beds, and have been overcrowded since 1925.

In 1932 there were 810 inmates, and 110 others that were criminally insane, as a result of which 41 extra beds had to be placed in the corridors.

The inmates are allocated to the bull-gang for safe custody, and to prevent escapes.

Those inmates serving a sentence of from 6 months to one year may be placed any where to work, "but those with a longer term are considered the worst risks".

The Reformatory is supposed to be "a show place".

Mr. Neelands states in his evidence on pages 2289-2290, "The industries are the important part of the institution and somebody has to direct them". On pages 2250 et seq. he comments on the references made to the

institution being "beautiful", and the reasons for the landscaping being undertaken, and that "it has given pleasure to thousands of citizens".

On page 2252, he is not in favour of a fence or wall being built around certain portions of the institution as he says "I want to go on, so far as I am concerned, trusting a heavy portion of the men". On page 2282, after the inmates are locked in their cells at night, it has been found by experience that it is necessary to have an officer on each floor, for the reason that if there were only one officer for three floors, the men (inmates) might be cutting bars on the third floor while the officer was on the first floor.

It must be quite apparent that the objectionable features of the dormitories and wash rooms have been known for many years, yet no real effort has been made, until very recently, to improve those conditions. It remains to be seen whether the changes proposed will remedy the undesirable features of the system.

Some further comments might well be made, but they seem unnecessary, as the attitude of the Deputy Minister, in respect to important matters pertaining to the Institution, is clearly indicated by portions of his evidence, by the extracts referred to, and also those of Sergeant Maguire.

As an aid to better classification of prisoners, it might prove to be some advantage to request the Department of Health to make a psychopathic examination of every prisoner sentenced to a term of imprisonment in a Reformatory, before he is removed from the gaol. The report of that examination would assist in allocating that prisoner.

Upon examination of Exhibit 31, which, with other information, contains the names, ages, sentences and offences of each inmate in the Ontario Reformatory at Guelph on January 16th, 1937, it will be observed that there are

428 inmates between the ages of 15 years and 25 years, convicted for breaking and entering, theft, taking autos, and for other similar theft offences, 285 are under the age of 22 years, and serving sentences from a few months to 24 months definite plus 24 months indeterminate, some are first offenders, and others have had several previous convictions and have served one term or more at this Reformatory or elsewhere. Even though it may be beyond the scope of this inquiry, it might be suggested, that, considering the above-mentioned facts, some change ought to be made to remedy this deplorable condition, and that the punishment for these theft offences provided by the Criminal Code should be amended by adding thereto, "and to be whipped", in an attempt to reduce the number of such offences by such young offenders. The old saying that "the strap applied on the place provided by Providence, has awakened many a man to life, liberty and happiness, who could not have arrived there in any other way", might well be tried and should prove a great deterrent.

Evidence was given by 167 witnesses, of which 25 were guards and 121 were inmates. Every assistance and complete co-operation was given by the Deputy Minister, the Superintendent and Staff of the Institution, to facilitate the production and hearing of the evidence pertinent to the matters of the inquiry.

All of which is respectfully submitted.

Dated this 17th day of March, A. D. 1937.

(1937) 17th March

Commissioner.

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